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BOARD OF PHARMACY

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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION	:	Administrative Action
OR REVOCATION OF THE LICENSE OF:	:	
	:	
WAYNE RUBEN, R.P.	:	CONSENT ORDER
	:	
TO PRACTICE PHARMACY IN THE	:	
STATE OF NEW JERSEY	:	
	:	
	:	

This matter was opened to the New Jersey State Board of Pharmacy upon request for reinstatement by respondent. Respondent's license to practice pharmacy had been suspended by the entry of a Consent Order, filed April 17, 2000.

Respondent appeared before a committee of the Board of Pharmacy on January 10, 2001 and testified at length as to his rehabilitative therapy, both in the past and continuing into the present. Although impressed with both his testimony and the documentation presented, including but not limited to all records of treatment, urine screens, and a current psychological evaluation, the Board believes it to be imperative to assure that

respondent, who will have access to CDS, will be monitored for a period of time. The Board finds this Interim Order to be adequately protective of the public, and it further appearing that the parties wish to resolve this matter without the necessity of further proceedings, and for good cause shown,

IT IS THEREFORE ON THIS

28th DAY OF Feb. ,2001,

ORDERED AND AGREED:

1. Respondent shall have his urine monitored at his own expense on a random, unannounced basis for a three (3) month period. Testing shall be performed two (2) times per week, including no less than one weekend per month. Thereafter respondent shall be tested as set forth above, one (1) time per week. The urine specimens shall be performed with direct witnessing by a Board approved monitor. The initial drug screen will utilize the EMIT technique and all confirming tests and/or secondary tests will be performed by gas chromatographing/mass spectrometry (GC/MS). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation thereof.

2. The result of all tests shall be reported directly from the laboratory, to Lois Johnson, Executive Director of the Board or her successor, or her designee in the event she is unavailable. The Board may at anytime alter or modify the manner of the testing directed herein. In the event of any such alteration or modification the Board shall give timely notice of any new testing requirement to the respondent.

3. In the event respondent is unable to appear for a scheduled urine test due to illness or other impossibility, consent to waive that day's test must be secured from the Board office. The lab or monitor will not be authorized to provide consent. In addition, respondent must provide the Board with any written substantiation which may be obtained for his inability to appear, eg. physician's report.

4. Any failure to appear for a urine test for which consent is not secured from the Board and for which no written substantiation is furnished satisfactory to the Board within two (2) days of such failure to appear shall be grounds for a hearing for the suspension of respondent's license upon short notice.

5. Respondent hereby consents to the entry of an Order of Automatic Suspension of his license without prior notice upon the Board's receipt of a report of a confirmed positive urine.

6. Respondent shall have the right to apply for removal of the automatic suspension but in such event shall be limited to a showing that the urine tested was not his or was a false positive in which case respondent shall have the burden of proving either contention.

7. Respondent shall engage in monthly in person visits with a member of the Physicians' Health Program staff for six months from the entry of this Order and bimonthly visits thereafter.

8. Respondent is to submit to the Board documentation of his participation one time per week in health care group therapy sessions and attendance no less than three (3) meetings per week at Alcoholics/Narcotics Anonymous.

9. Respondent shall ensure the submission of quarterly reports from the Physicians' Health Program to the Board with immediate notification to the Board of any non-compliance with the above conditions or evidence of a relapse.

10. At the end of one year from the date of entry of this order, respondent may appear before the Board to request modification of the within Order.

NEW JERSEY STATE BOARD OF PHARMACY

By: Richard A. Palombo R.P.
Richard A. Palombo, R.P., President

I have read the within Order and
I understand each of the terms of
the Order and agree to be bound by
it.

Wayne Ruben R.P.
Wayne Ruben R.P.